THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.16241 OF 2005

ORDER:

This Writ Petition is filed seeking a declaration that the action of the respondents 1 and 2 in seizing the vehicle bearing Registration No.KA-06 A 8282 together with 6,000 litres of arrack in 100 ml sachets on 25.6.2005 as arbitrary and illegal.

At the outset it is to be noted that this Court while directing *Rule Nisi* by order dated 28.7.2005 directed to release the lorry subject to furnishing an unconditional bank guarantee in favour of the 1st respondent for the value of the lorry as assessed by the Motor Vehicle Inspector, Anantapur. Learned counsel for the petitioners states that in pursuance thereof, the petitioners have furnished bank guarantee and the vehicle has been released.

In the counter-affidavit filed on behalf of the respondents it is stated that consequent to the seizure affected on 25.6.2005, proceedings for confiscation as contemplated under the provisions of the A.P. Prohibition Act, 1995 have already been initiated and the petitioners were issued a show cause notice dated 30.6.2005 calling upon them to show cause as to why the seized gods shall not be confiscated under the provisions of the A.P. Prohibition Act, 1995.

It appears that the petitioners have submitted their explanation and further proceedings are pending.

In the circumstances, though the learned counsel for the petitioners raised various contentions assailing the impugned seizure, I am not inclined to express any opinion on merits. It is for the 1st respondent before whom proceedings are pending to consider the merits of the case and pass appropriate orders in accordance with law. However, so far as the seized arrack is concerned, it is made clear that it is open to the petitioners to make an appropriate application before the 1st respondent seeking release of the same and if any such application is made the 1st respondent shall consider the same and pass appropriate orders in accordance with law as

expeditiously as possible, preferably within a period of two weeks from the date of filing of any such application.

There shall also be a direction to the 1st respondent to conclude the confiscation proceedings as expeditiously as possible, preferably within a period of three months from the date of receipt of this order.

The Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J.

13th September, 2005.

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.16241 OF 2005

Between:

G.S. Dharma Pal and another. .. Petitioners.

And

Deputy Commissioner (Enforcement),

Prohibition & Excise-I (Mobile),

Anantapur, Anantapur District and two others. .. Respondents.